

Social Security

Your Right
To Question
The Decision
Made On Your
SSI Claim



www.ssa.gov

We want to be sure that everyone who can receive Supplemental Security Income (SSI) does receive it. We carefully look at all the facts we have before we decide if someone should receive SSI.

If we decide you shouldn't receive SSI, or if you disagree with our decision because it was only partly favorable to you, you can appeal our decision. That means you can ask us to look at your case again.

When you ask for an appeal, we will look at the entire decision, including those parts that were favorable to you. If our decision was wrong, we'll change it.

This leaflet tells you about appeals and how you can use them to make sure the decision on your claim is correct. There are four levels of appeal. If you are not satisfied with the decision at one level, you may appeal to the next. The levels are (1) reconsideration, (2) hearing, (3) review by the Appeals Council and (4) federal court review.

When we send you a letter about a decision on your claim, we'll tell you how to appeal the decision.

When And How To Appeal

The most important thing to remember about appeals is the limited time you have to notify us that you wish to appeal a decision. Generally, you have 60 days from the date you get the letter about the decision in your case to request an appeal. We assume you get the letter about our decision five days after the date on it, unless you can show us you got it later.

When you want to appeal a decision, you must put the request in writing. You can get the appeal form from us or you can send us a signed note with your Social Security number and claim number stating that you wish to appeal the decision in your case.

Your Right To Representation

While many people file their appeals with help from the Social Security office, other people get someone to help them or to “represent” them when they appeal a claim. A representative may be a lawyer or other qualified person familiar with you and the SSI program. We will work with your representative just as we would with you. He or she can act for you in most Social Security matters and will receive a copy of any decisions we make about your claim.

Your representative cannot charge or collect a fee from you without first getting written approval from us. If you want more information about having a representative, call us. We can give you a free factsheet called *Social Security And Your Right To Representation* (Publication No. 05-10075). We also can tell you names of groups that may be able to give you free representation.

Reconsideration

In a reconsideration, a person who didn't take part in the first decision looks at your case to see if the decision is correct. If it's not correct, we will change it.

If you're appealing a decision about your medical condition, your reconsideration will be handled by a process we call **case review**. If you're appealing any other decision, you can choose either a case review or an informal conference. They are explained below.

- **Case review**—In this kind of reconsideration, we look at your case without meeting with you. But you have the right to see what's in your file before we look at your case. You also can give us more information about your case.
- **Informal conference**—Just like a case review, you can look at your file and give us more information. You also can come to the conference and tell the person who will be looking at your case why you disagree with our first decision. You can bring witnesses to talk about your case. And you can bring your representative, if you have one, to the conference.

When the reconsideration is done, we'll send you a letter explaining the decision.

Hearing

If you disagree with the reconsideration decision, you may ask for a hearing before a person who has not seen your case before. That person is an administrative law judge.

The hearing is usually held within 75 miles of your home. The administrative law judge will notify you of the time and place of the hearing.

Before the hearing we may ask you to give us more evidence, clarification or informa-

tion about your claim. You should give us this information as soon as you can.

You and your representative, if you have one, should come to the hearing and explain your case in person. You may look at the information in your file and give new information.

The administrative law judge will question you and any witnesses you bring to the hearing. You or your representative also may question the witnesses.

It is usually to your advantage to attend the hearing. If you don't wish to do so, you must tell us in writing that you don't want to attend. If you are unable to attend the hearing because of your health, you should tell us and we may be able to make other arrangements for the hearing. Unless the administrative law judge believes your presence is needed to decide the case and requires you to attend, you will not have to go. He or she will make a decision based on all the information in your case, including any new information you give.

When the administrative law judge makes his or her decision, we'll send you a letter and a copy of the decision.

Review By The Appeals Council

If you disagree with the hearing decision, you may ask for a review by Social Security's Appeals Council.

The Appeals Council looks at all requests for review, but it may deny a request if it believes the hearing decision was correct. If

the Appeals Council decides to review your case, it will either decide your case itself or issue an order returning it to an administrative law judge for further review.

If the Appeals Council denies your request for review, we'll send you a letter explaining the denial. If the Appeals Council decides your case itself, we'll send you a copy of the decision. If the Appeals Council returns your case to an administrative law judge, we'll send you a letter and a copy of the order.

Federal Court Review

If you disagree with the Appeals Council's decision or if the Appeals Council decides not to review your case, you may file a lawsuit in a federal district court.

The Importance Of Time Limits

If you don't appeal within the 60-day time limit, you may lose your right to appeal and the last decision will become final. For example, if you don't ask for a reconsideration within 60 days, you may lose your right to have your case reconsidered, and you can't have a hearing.

If you have a good reason for not appealing your case within the time limit, we may give you more time. A request for more time must be made to us in writing, stating the reason for the delay.

When the last day of a time limit is on a Saturday, Sunday or national holiday, the time limit ends on the next workday.

For More Information

If you have questions about the decision made on your claim or any other Social Security matter, give us a call. We'll be glad to help you. Our address and phone number are shown on the letter you received with this leaflet.

You also can reach us on the Internet. Type *www.ssa.gov* to access Social Security information.

Social Security Administration

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